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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,381	08/27/2003	Takaki Tsutsui	02410340AA	5364
30743	7590	01/30/2004	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			MAYO III, WILLIAM H	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/648,381	Applicant(s) TSUTSUI ET AL.	
	Examiner William H. Mayo III	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in present Application No. 09/648,381, filed on August 27, 2003.

Information Disclosure Statement

2. The information disclosure statement filed August 27, 2003 has been submitted for consideration by the Office. It has been placed in the application file and the information referred to therein has been considered.

Drawings

3. The drawings are objected to because Figure 2 lacks the proper cross-hatching which indicates the type of materials, which may be in an invention. Specifically, the cross hatching to indicate the ferrite resin layer and conductor layer materials of the magnetic film are improper. The applicant should refer to MPEP Section 608.02 for the proper cross-hatching of materials. Correction is required.
4. Figure 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid

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abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Manly (Pat Num 4,371,742). Manly discloses an EMI suppressing cable (Figs 1-3) having excellent EMI absorption characteristics (Col 2, lines 15-20). Specifically, with respect to claim 1, Manly discloses a cable (Fig 1) comprising a insulated signal wire (12 & 14), a shielding layer (16) formed on the outer surface of the insulated signal wire (12 & 14) and a magnetic material layer (18) formed on an outer surface of the shielding layer (16) and having a ferrite resin layer (i.e. iron powder mixed with polyurethane binder, Col 5, lines 45-50) and a film (i.e. polyester, Col 5, lines 58-62), wherein the magnetic material (18) may be wound on the shielding layer (16, Col 6, lines 66-68). With respect to claim 2, Manly discloses that the magnetic material (18), which is spirally wound (i.e. helically wound) around an axis of the insulated signal wire (12 & 14, Col 6, lines 66-68). With respect to claim 3, Manly discloses that the magnetic material (18), which is wound (i.e. helically wound) around an axis of the

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insulated signal wire (12 & 14, Col 7, lines 21-25). With respect to claim 5, Manly discloses that the magnetic material layer (18) has resin layer (polyurethane binder, Col 5, lines 45-50) formed on one face of the film (i.e. polyester) by printing (Col 5, lines 58-62), wherein the resin layer comprises a ferrite compound (i.e. iron powder, Col 5, lines 45-50). With respect to claim 6, Manly discloses that the magnetic material layer (18) is a tape layer (i.e. the layer is 0.009 inches, Col 5, lines 58-62). With respect to claim 7, Manly discloses that the magnetic material layer (18) may have a single sheet shape (Fig 5).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of

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35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manly (Pat Num 4,371,742) in view of Ikeda et al (JP Pat Num 11-185542, herein referred to as Ikeda). Manly discloses an EMI suppressing cable (Figs 1-3) having excellent EMI absorption characteristics (Col 2, lines 15-20), as disclosed above with reference to claim 1 above.

However, Manly doesn't necessarily disclose the film being a metallic film (claim 4).

Ikeda teaches a EMI suppressing cable having a high shielding effect over a wide range, that is easy the handle, and can keep a fine view without the needing to increase the diameter of the cable so much, by shielding radiation noise (see solution). Specifically, Ikeda teaches a cable (Fig 1) comprising a thin layer of magnetic permeability material (6, i.e. ferrite resin material), which is laminated to a metallic foil layer (5) for the purpose of providing a high shielding effect wherein the magnetic permeability material absorbs the radiation noise (see solution).

With respect to claim 4, it would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the magnetic resin layer of Manly to comprise the magnetic resin layer configuration as taught by Ikeda because Ikeda teaches that such a configuration provides a cable having a high shielding effect over a wide range, that is easy the handle,

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and can keep a fine view without the needing to increase the diameter of the cable so much, by shielding radiation noise (see solution).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are Ono et al (Pat Num 6,534,708), Lai (Pat Num 5,237,635), Suda (JP Pat Num 06-181012), Kaneko et al (JP Pat Num 06-203652), Aldissi (Pat Num 5,132,490), Olyphant, Jr. (Pat Num 4,533,784), Baigrie et al (Pat Num 4,816,614), Prysner (Pat Num 6,225,565), Sanyo (JP Pat Num 04-215213), Vacuumschmelze (DE Pat Num 3123040), and Senda (Pat Num 5,990,417), all of which disclose magnetic shielding layers for cables.

Communication

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703) 306-9061. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read "William III", with a stylized flourish at the end.

WHM III
January 21, 2004